

U.S.S.N. 10/710,897

6

04966 (LC 0163 PUS)

**REMARKS**

In the Office Action of March 7, 2006, claims 1-18 and 21-22 are pending. Claims 19-20 were previously canceled. Claims 5 and 15 are herein canceled. Claims 23-24 are herein newly added. Claims 1 and 16 are independent claims from which claims 2-4, 6-14, 16-18, and 23 depend therefrom. Claims 1, 4, 9, 13-14, and 16 are herein amended. Note that claims 5 and 15 are not necessarily herein canceled and claims 1, 4, 9, 13-14, and 16 are not necessarily herein amended for patentability reasons.

**Rejection of claims 1-4, 6-7, 12, and 14-18 under 35 U.S.C. 102**

The Office Action states that claims 1-4, 6-7, 12, and 14-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Dutta (U.S. Pat. No. 5,599,086).

Amended claim 1 recites the limitations of a vehicle overhead module powerstrip assembly that includes an overhead attachment strip, an electrically conductive strip, and multiple modular connectors. The connectors include electrical contacts that have multiple attachment positions along the conductive strip and are position interchangeable with each other. The connectors are removable from and are configured to couple one or more overhead electronic modules to the electrically conductive strip.

The ability to remove and reposition the modular connectors relative to each other allows for the swapping of the connectors, the reorienting of a single module on a track, and the interchanging of overhead modules. This allows vehicle passengers to change the position of and the arrangement of overhead electronic modules of a vehicle. In addition, convenience in access to the desired overhead electronic modules by multiple vehicle passengers is provided. The modular connectors also allow an increased number of possible arrangements of overhead electronic modules for increased flexibility in design and interior utilization.

U.S.S.N. 10/710,897

7

04966 (LC 0163 PUS)

Dutta discloses a vehicle track lighting system. The vehicle track lighting system includes a track 18 and an illuminator 24 that slides along the track. The illuminator 24 receives power via contact rails 50 and 52 on the track 18 and via pickups 54 and 56 on the illuminator 24.

The illuminator 24, although slidable along the track 18, is a single component. Dutta does not disclose multiple modules or multiple modules that are interchangeable.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since Dutta fails to teach or suggest each and every element of claim 1, it is novel, nonobvious, and is in a condition for allowance. Since claims 2-4, 6-7, 12, and 14 depend from claim 1, they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

With respect to claim 4, the Office Action state that the track 18 of Dutta has a flange and since the track is formed of plastic, that the flange is flexible, particularly since it is in the form of a cantilever. Applicants submit that there is no suggestion anywhere in Dutta that the track 18 or that any part thereof is flexible. The disclosure that the track 18 is formed of plastic or that a portion of the track 18 is cantilevered, does not imply that the track 18 or the cantilevered portion thereof is flexible. There exist a variety of plastic compositions, each of which have varying levels of rigidity or flexibility. A plastic component may be rigid and when flexed may crack or break apart. Note also that the slide 48 of Dutta may be flexible, which would allow the track 18 to be rigid. It appears that the Examiner is assuming that the track 18 is flexible without adequate support from Dutta and thus is taking Official Notice in this regard without providing concrete evidence to support such findings. As such, not only is each and every element of claim 4 not shown, the elements of claim 4 would not be obvious in view of Dutta.

U.S.S.N. 10/710,897

8

04966 (LC 0163 PUS)

Referring to MPEP 2144.03, Official Notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. The notice of facts beyond the record, which may be taken by the Examiner, must be "capable of such instant and unquestionable demonstration as to defy dispute." *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant submits that the limitations in question are not capable of such instant and unquestionable demonstration as to defy dispute. Specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *Id.* at 1091, 165 USPQ at 420-21. Any facts so noticed should be of notorious character and serve only to "fill in the gaps" in an insubstantial manner. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based. *In re Zurko*, 258 F.3d at 1386, 59USPQ2d at 1697 (Fed. Cir. 2001). The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amendable to the taking of such notice. *In re Eynde*, 480 F.2d 1364, 1370, 178 USPQ 470, 474 (CCPA 1973). The Examiner must provide specific technical and scientific reasoning to support his or her conclusion of common knowledge. *In re Soli*, 317 F.2d at 946, 37 USPQ at 801 (CCPA 1963).

Applicants submit that no specific factual findings or concrete evidence has been put forth nor has any specific technical reasoning been put forth to support the Official Notice taken. Also, if Applicants challenge a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the finding with adequate evidence. See 37 CFR 1.104(c)(2). Again, Applicants submit that no such evidence has been provided to support a teaching or suggestion of the claimed elements.

U.S.S.N. 10/710,897

9

04966 (LC 0163 PUS)

Furthermore, claim 4 is herein amended to further recite that the flange claimed flexes outward to cover and prevent access to the conductive strip. There is not any portion of the track 18 of Dutta that flexes, that flexes outward, or that covers a conductive strip upon outward flexing thereof. Thus, claim 4 is further novel and nonobvious for the stated reasons.

With respect to claim 15, the Office Action states that Dutta discloses an insulator that separates multiple electrical contacts and has multiple module attachment holes. Applicants, respectfully, traverse. Although the illuminator 24 of Dutta has a slide portion 48 that separates the pickups 54 and 56, the slide portion 48 does not have multiple module attachment holes. The Office Action refers to the indents on the portion 48, which align with protrusions on the track 18 of Dutta, for the disclosure of attachment holes. Applicants submit that the indents are not attachment holes in that they are not used to attach the portion 48 to the track 18. Besides, this is irrelevant since the indents clearly do not attach the portion 48 to the illuminator 24. The attachment holes claimed are used to attach the claimed insulator to the overhead electronic module. Thus, claim 15 is further novel and nonobvious for the stated reasons.

Claim 16 has similar limitations as that of claim 1 and recites a vehicle overhead console. The vehicle overhead console includes multiple modules that are transitional and position interchangeable along a track. A powerstrip assembly is included that has multiple removable and modular connectors that are coupled to the overhead modules.

As stated above, Dutta fails to disclose multiple overhead modules that are interchangeable. Also, note that the illuminator 24 of Dutta is not a module of a console, but rather is simply an overhead light. Thus, since Dutta fails to teach or suggest each and every element of claim 16, it is also novel, nonobvious, and is in a condition for allowance. Since claims 17-18 and 23 depend from claim 16, they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

U.S.S.N. 10/710,897

10

04966 (LC 0163 PUS)

**Rejection of claim 5 under 35 U.S.C. 103**

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta. Note that claim 5 is herein canceled.

**Rejection of claims 8 and 21-22 under 35 U.S.C. 103**

Claims 8 and 21-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Tiesler et al. (U.S. 6,575,528).

Since claims 8 and 21-22 depend from claim 1, they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

In addition, the Applicants submit that it would not have been obvious to combine the teachings of Dutta with that of Tiesler to arrive at the claimed invention. Dutta is directed to a single track light for the side of a vehicle. Dutta is not directed to overhead consoles. Although Tiesler is directed to the coupling and attachment of overhead accessory modules, Tiesler does not provide electrical contacts or electrical supply for such modules. The mere mention that electronic fixtures or displays may be incorporated does not provide the motivation to replace the track of Tiesler with that of Dutta, nor is it clear how such replacement would be performed, since the tracks of each reference are substantially different. There is no suggestion or motivation provided in either reference for the suggested combination. Besides it is not clear how the references would be combined and Applicants submit that the combination thereof would not provide each and every element of claims 8 and 21-22, especially since neither reference teaches or suggests the removable and interchangeable features claimed.

Furthermore, the illuminator 24 of Dutta is removable such that it can be used as a flashlight. There is not suggestion in either Dutta or Tiesler to provide non-illuminating modules that are removable or interchangeable. Dutta only provided the single illuminator 24 and Tiesler does not disclose removable or interchangeable modules.

Referring to MPEP 706.02(j), 2143, and 2143.01, to establish a prima facie case of obviousness, there must be some suggestion or motivation provided to combine and modify the references to arrive at the claimed

U.S.S.N. 10/710,897

11

04966 (LC 0163 PUS)

invention and that the suggestion must be found in the prior art and not in Applicants' disclosure. The fact that references can be modified is not sufficient to establish *prima facie* obviousness, see *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Also, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish *prima facie* obviousness, see *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). There must be an objective reason to combine and modify the teachings of the references, as is necessary in the present case, to arrive at the claimed invention. Applicants submit that no such suggestion or object reason is provided in any of the above relied upon references.

Also, to establish a *prima facie* case of obviousness the prior art references must teach or suggest all the claim limitations. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The references fail to teach or suggest each and every limitation, as stated above. Thus, claims 8 and 21-22 further novel and nonobvious for the above-stated reasons.

**Rejection of claim 9 under 35 U.S.C. 103**

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Woertz (U.S. Pat. No. 3,603,918).

Applicants submit that since claim 9 depends from claim 1, that it too is novel, nonobvious, and is in a condition for allowance for at least the same reasons as put forth above with respect to claim 1.

Applicants submit that it would not have been obvious to combine the teachings of Dutta with Woertz to arrive at the claimed invention of claim 9, especially since the combination does not teach or suggest each and every element of the claim 9. The Office Action states that Dutta fails to disclose a spring loaded ground contact. Applicants agree and submit that Dutta fails to disclose a ground contact that has spring characteristics. The Office Action states however that Woertz provides such disclosure. Regardless, of whether Woertz provides such disclosure, Woertz clearly fails to disclose a ground contact that has spring characteristics such that it is in compression when in

U.S.S.N. 10/710,897

12

04966 (LC 0163 PUS)

contact with a ground strip, as now claimed. The contact element 34 of Woertz does not have spring characteristics nor is it in compression when in contact with lead 15. Thus, Dutta and Woertz further fail to teach or suggest each and every element of claim 9. Thus, claim 9 is further novel and nonobvious for the above-stated reasons.

**Rejection of claims 10-11 and 13 under 35 U.S.C. 103**

Claims 10-11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Laser (U.S. 3,569,899).

Since claims 10-11 and 13 depend from claim 1, they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

With respect to claim 11, the Office Action states that Dutta fails to disclose contacts having a spreading resistance. Applicants agree. The Office Action states that the contacts 46 and 47 of Laser have such spreading resistance. Regardless, of whether this is true, note that the contacts 46 and 47 are not power contacts, as claimed. The contact 46 is a ground contact and the contact 47 is used as a holding means.

With respect to claim 13, notice that the center bar 8 only has the ground contact 46. This is unlike that now claimed in which the center member has both a power strip and a ground strip. Thus, claims 11 and 13 are further novel and nonobvious for the above-stated reasons.

U.S.S.N. 10/710,897


13

04966 (LC 0163 PUS)

In light of the amendments and remarks, Applicants submit that all the rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

ARTZ & ARTZ, P.C.

  
\_\_\_\_\_  
Jeffrey J. Chapp, Reg. No. 50,579  
28333 Telegraph Road, Suite 250  
Southfield, MI 48034  
(248) 223-9500

Dated: May 5, 2006